

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 41552  
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Yeaman, Michael R., et al. : Confirmation Number: 6324  
: :  
Application No.: 09/648,816 : Group Art Unit: 1656  
: :  
Filed: August 25, 2000 : Examiner: Kam, Chih Min  
: :  
For: ANTIMICROBIAL PEPTIDES AND DERIVED METAPEPTIDES

**TERMINAL DISCLAIMER AND CERTIFICATION  
UNDER RULE 1.321 & 3.73(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Los Angeles Biomedical Research Institute at Harbor-UCLA Medical Center (hereinafter "LA Biomed"), a corporation of the state of California, and having an office at 1124 West Carson Street, Torrance, California, 90502, represents that it is the Assignee of the entire right, title and interest in and to U. S. Application No. 09/648,816 , entitled ANTIMICROBIAL PEPTIDES AND DERIVED METAPEPTIDES filed on August 25, 2000, by virtue of the Assignment dated November 22, 2000, and recorded at Reel 011355, Frame 0534.

LA Biomed further represents that it is the assignee of the entire right, title and interest in and to United States Patent No. 6,743,769, dated June 1, 2004, by virtue of the Assignment dated February 13, 1998, and recorded on February 18, 1998 at Reel 8982 Frame 0218.

Your Petitioner hereby disclaims the terminal part of any patent granted on said U. S. Application No. 09/648,816 which would extend beyond the expiration date of U. S. Patent No. 6,843,769, issued June 1, 2004, the earlier to expire of the above-mentioned U. S. Patent Nos.

Your Petitioner further agrees that any patent issuing on said U. S. Patent Application No. 09/648,816 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said U. S. Patent No. 6,743,769, this agreement to run with any patent granted on said U. S. Patent Application No. 09/648,816 and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

**CERTIFICATE UNDER 37 CFR 3.73(b)**

Los Angeles Biomedical Research Institute at Harbor-UCLA Medical Center, a corporation of the state of California, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

An Assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 011355, Frame 0534.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

The undersigned further declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

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like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please charge the \$140.00 Disclaimer fee to Deposit Account Number 502624.

Respectfully submitted,

Date: 12/24/09

Name: David I. Meyer, Ph.D.

Title: President and CEO

Signature: 